

**MINUTES**

**Complaints Committee, Independent Press Standards Organisation**

Halton House, 20-23 Holborn, London EC1N 2JD

21 January 2015 at 3.30pm

Present: Sir Alan Moses (Chairman)  
Richard Best (Deputy Chairman)  
Lara Fielden  
Janette Harkess  
Gill Hudson  
David Jessel  
Matthew Lohn  
Jill May  
Elisabeth Ribbons  
Peter Wright  
Nina Wrightson

Attending: Matt Tee, Chief Executive  
Bianca Strohmann, Complaints Officer  
William Newman, IPSO Board Member

The following members of the Executive attended as observers: Xavier Bastin, Sam Falk, Ben Gallop, James Garmston, Robyn Kelly, Hugo Wallis.

**1. Apologies**

Apologies were received from Neil Watts.

**2. Update by the Chairman**

Alan Moses updated the Complaints Committee on his and Matt Tee's evidence to the House of Lords Communications Committee on 20 January 2015, and his appearance on the Media Show. He also noted that newspapers appeared to be resolving complaints directly with complainants much more quickly under IPSO.

**3. Update by the Chief Executive**

Matt Tee updated the Complaints Committee on a range of issues, including recruitment for a number of positions, plans to move offices, IPSO's budget, and progress on creating a new brand for IPSO. He also noted that he and the Chairman had been invited to give evidence to the House of Commons Culture Media and Sport Select Committee on 24 February 2015.

**4. Minutes – December 2014 meeting**

The Committee approved the minutes for its meeting of 17 December 2014.

5. Matters arising:

- a. Sunday Mirror and Brooks Newmark MP

Following an update from Ben Gallop, the Committee further discussed the progress of this matter and agreed to aim to bring it to a conclusion at its next meeting.

6. Complaint 01923-14 Bray v Daily Express

The Committee discussed this complaint and ruled that it was upheld. A copy of its ruling appears in **Appendix A**.

7. Complaint 01866-14 A woman v Derby Telegraph

The Committee discussed this complaint and ruled that it was upheld. A copy of its ruling appears in **Appendix B**.

8. Complaint 01595-14 James v Rutherglen Reformer

The Committee discussed this complaint and ruled that it was partially upheld. A copy of its ruling appears in **Appendix C**.

9. Complaint 01457-14 Perkins v Kentish Gazette

The Committee discussed this complaint and ruled that it was partially upheld. A copy of its ruling appears in **Appendix D**.

10. Complaint 01597-14 Lane-Smith v The Times

The Committee discussed this complaint and ruled that it was not upheld. A copy of its ruling appears in **Appendix E**.

11. Complaint 01754-14 Thomason v The Daily Telegraph

The Committee discussed this complaint and ruled that it was not upheld. A copy of its ruling appears in **Appendix F**.

12. Complaints not adjudicated at a Complaints Committee meeting:

The Committee confirmed its formal approval of IPSO Papers listed in **Appendix G**, all of which had been previously circulated to the Complaints Committee.

13. Any Other Business:

- a. Complaint 0680-14 Millar v Perthshire Advertiser

The Committee discussed this complaint, originally circulated on 9 January 2015. It was agreed that the complaint was not upheld.

- b. Discussion point

Jill May instigated a discussion as to whether letters could constitute a correction, to remedy a breach of Clause 1. The Committee agreed that it would discuss this matter further at a later date if it arose in any decisions.

**Next meeting: 18 February 2015 at 10.30am.**

## **Appendix A**

### **Decision of the Complaints Committee 01923-14, Bray v Daily Express**

#### **Summary of Complaint**

1. Robert Bray complained to the Independent Press Standards Organisation that the Daily Express had breached Clause 1 (Accuracy) of the Editors' Code of Practice in an article headlined "Ukip is now more popular than Labour" published on its website on 24 November 2014.
2. The article reported the findings of a YouGov survey of voting intentions. It claimed that this had shown that 38 per cent "of those surveyed" intended to vote Conservative, 28 per cent UKIP and 25 per cent Labour, in support of the headline claim. A print version of the article reported that this was a poll of "Sunday tabloid readers"; however, this information was omitted from the version of the article published online.
3. The complainant said that the survey in question was a poll of 2,314 adults in Great Britain. Results had been broken down into various categories, one of which was "Sun readers". It was the results from this category of respondents which had been reported in support of the article's claim. Overall, the survey showed the Labour Party in first place – with 34 per cent – and UKIP in third with 15 per cent. In the complainant's view, the claim that UKIP was more popular than Labour, without an explanation of the fact that this reflected the views of readers of one newspaper specifically, was significantly misleading.
4. The newspaper did not accept that the online article was significantly misleading. While it had not specifically reported that the survey was of Sun readers, it did distinguish the results from those of the more general voters' poll, and reported what the results of that poll were, stating that "more general voter surveys had Labour just ahead or tied with the Tories with UKIP in third place". The article did not state that the results reported reflected a representative survey. While the newspaper did not make amendments to the online article, it did append the following statement as a footnote:

*We would like to clarify that the poll referred to in this article, that puts Ukip ahead of Labour, is a poll of Sun readers carried out by YouGov.*

5. The complainant said that the clarification fell short of what was necessary given that the article was seriously inaccurate and misleading. He suggested that the newspaper should publish an apology.

## **Relevant Code Provisions**

### **6. Clause 1 (Accuracy)**

- (i) The Press must take care not to publish inaccurate, misleading or distorted information, including pictures.
- (ii) A significant inaccuracy, misleading statement or distortion once recognised must be corrected, promptly and with due prominence, and - where appropriate - an apology published. In cases involving the Regulator, prominence should be agreed with the Regulator in advance.

## **Findings of the Committee**

- 7. The online article was a significantly distorted account of the results of the poll. It suggested that, overall, Labour was less popular than UKIP, when in fact the poll had showed the opposite. The findings of the poll had been perfectly clear, and the newspaper did not provide a satisfactory explanation for the approach it had taken. This amounted to a serious breach of the requirements of Clause 1 (i) of the Code, and the complaint was upheld.
- 8. The Committee did not accept the newspaper's contention that a reference to "more general voter surveys had Labour just ahead or tied with the Tories with UKIP in third place" had been sufficient to convey the true position to readers. The reference to "surveys" (in the plural), as well as to a variety of results said to arise from those surveys, gave the impression that this referred to the results of alternative polls, rather than the overall result of the poll reported.
- 9. No amendment had been made to correct the text of the online article, and the footnote published did not clearly identify the misleading information which required correction. The newspaper had not complied with the requirements of Clause 1 (ii) and this was a further breach of Clause 1.

## **Conclusions**

- 10. The complaint under Clause 1 was upheld.

## **Remedial action required**

- 11. Having upheld the complaint under Clause 1, the Committee considered what remedial action should be required. The Committee has the power to require the publication of a correction and/or adjudication; the nature, extent and placement is to be determined by IPSO. It may also inform the publication that further remedial action is required to ensure that the requirements of the Editors' Code are met.

12. The breach of the Code established by the Committee was sufficiently serious that the appropriate remedial action was the publication of an adverse adjudication, as opposed to a correction. As this finding related solely to the online version of the article, the publication was required to publish the following adjudication on its website, with a link to the adjudication published on its homepage for a period of no less than 48 hours. The link should first appear beneath the main highlighted story on the homepage – as is the newspaper’s general practice - and both the adjudication and link should carry the headline “IPSO complaint upheld – UKIP poll results”. The adjudication must then be archived, and remain searchable, on the newspaper’s website in the usual way. If, following receipt of this decision, the publication intends to continue to publish the online article on express.co.uk a link to the adjudication must also be published at the start of that article.
13. The terms of the adjudication, which the newspaper should publish without addition or alteration under the headline “IPSO complaint upheld – UKIP poll results”, are as follows:

*Following an article published on express.co.uk on 24 November 2014, headlined “Ukip is now more popular than Labour”, Dr Robert Bray complained to the Independent Press Standards Organisation (IPSO) that the Daily Express had breached Clause 1 (Accuracy) of the Editors’ Code of Practice.*

*IPSO upheld the complaint, and found a breach of the Editors’ Code. IPSO required the Daily Express to publish this decision, by its Complaints Committee, to remedy the breach.*

*The article reported the findings of a YouGov survey of voting intentions. It claimed that this had shown that 38 per cent “of those surveyed” intended to vote Conservative, 28 per cent UKIP and 25 per cent Labour, in support of the headline claim.*

*The complainant said that the survey in question was a poll of 2,314 adults in Great Britain. The results reported in the article related only to those who informed the pollsters that they were Sun readers. Overall, however, the survey showed the Labour Party in first place – with 34 per cent – and UKIP in third with 15 per cent. In the complainant’s view, the claim that UKIP was more popular than Labour, without explanation of the fact that this reflected the views of readers of one newspaper specifically, was significantly misleading.*

*The Daily Express did not accept that the online article was significantly misleading. While it had not specifically reported that the survey was of Sun readers, it had noted that “more general voter surveys had Labour just ahead or tied with the Tories with UKIP in third place”. While the newspaper did not make amendments to the online article, it did append the following statement as a footnote:*

*‘We would like to clarify that the poll referred to in this article, that puts Ukip ahead of Labour, is a poll of Sun readers carried out by YouGov.’*

*The complainant said that the clarification was inadequate. He suggested that the newspaper should publish an apology.*

*The Complaints Committee found that the online article was a significantly distorted account of the results of the poll. It suggested that, overall, Labour was less popular than UKIP, when in fact the poll had showed the opposite. The findings of the poll had been perfectly clear, and the newspaper did not provide a satisfactory explanation for the approach it had taken. This amounted to a serious breach of the requirements of Clause 1 (i) of the Code, and the complaint was upheld.*

*The Committee did not accept the newspaper's contention that a reference to "more general voter surveys had Labour just ahead or tied with the Tories with UKIP in third place" had been sufficient to convey the true position to readers. The reference to "surveys" (in the plural), as well as to a variety of results said to arise from those surveys, gave the impression that this referred to the results of alternative polls, rather than the overall result of the poll reported.*

*No amendment had been made to correct the text of the online article, and the footnote published did not clearly identify the misleading information which required correction. The newspaper had failed to comply with the requirements of Clause 1 (ii), and this was a further breach of Clause 1. Publication of IPSO's full adjudication on the matter was required to remedy these breaches of the Code.*

## **Appendix B**

### **Decision of the Complaints Committee 01866-14, A Woman v Derby Telegraph**

#### **Summary of complaint**

1. A woman complained to the Independent Press Standards Organisation that the Derby Telegraph had breached Clause 3 (Privacy), Clause 5 (Intrusion into grief or shock), and Clause 6 (Children) of the Editors' Code of Practice in an article headlined "Girl involved in incident outside Derbyshire secondary school", published on the website of the Derby Telegraph on 20 November 2014.
2. The article reported that a teenager was believed to have been knocked down by a car outside of a school. It was accompanied by a photograph of the scene, which showed the girl lying on the pavement, with her face pixelated. Next to her was another girl in a school uniform and two other passers-by.
3. The two girls shown in the picture were 11-year-old sisters; the complainant was their mother. She said that the photograph depicted a distressing incident for both girls and had been taken at a time when everyone involved had been in shock, and the emergency services were yet to arrive. The complainant was concerned that, at the time of publication, the newspaper had not been aware of the severity of the girl's injuries.
4. She said that the use of the photograph had added to the family's distress; although it took place in public, the incident was a private matter, and a photograph relating to the welfare of her children should not have been published without her consent. She was also concerned that the newspaper had not pixelated the face of her uninjured daughter.
5. After being made aware of the complaint, the newspaper had immediately removed the image from its website. It had also offered to remove the article from its website, and to write a private letter of apology to the complainant.
6. It explained that the photograph had been taken by a member of its staff who had been passing. Before publishing the report, it had contacted the school, police and ambulance service. The school had not responded but the ambulance service provided a statement confirming that it had been called to attend a teenager with a suspected leg injury.
7. The newspaper had also contacted Derbyshire County Council's press office, as it had been aware of a campaign by residents in the area for the speed limit to be reduced. In light of these on-going concerns, it considered that there had been a public interest in publishing the image and story.

8. The newspaper had not been able to contact the family of the child involved as her name had not been released at the time. The injured girl's face had been pixelated prior to the publication of the article; the newspaper had not been aware that anyone else in the photograph was connected to the injured girl.

## **Relevant Code Provisions**

### **9. Clause 3 (Privacy)**

- (i) Everyone is entitled to respect for his or her private and family life, home, health and correspondence, including digital communications.
- (iii) It is unacceptable to photograph individuals in private places without their consent. Note – Private places are public or private property where there is a reasonable expectation of privacy.

### **Clause 5 (Intrusion into grief or shock)**

- (i) In cases involving personal grief or shock, enquiries and approaches must be made with sympathy and discretion and publication handled sensitively.

### **Clause 6 (Children)**

- (ii) A child under 16 must not be interviewed or photographed on issues involving their own or another child's welfare unless a custodial parent or similarly responsible adult consents.

### **Public Interest**

- (5) In cases involving children under 16, editors must demonstrate an exceptional public interest to over-ride the normally paramount interest of the child.

## **Findings of the Committee**

10. The immediate aftermath of an upsetting incident in which a young girl had been injured in full view of her sister was clearly an issue that related to the welfare of both girls. The uninjured sister was readily identifiable in the photograph, and the injured sister was likely to be identified – notwithstanding the pixelation of her face – by virtue of the visible part of her body and her connection with her sister. Parental consent should have been sought for publication of the photograph.
11. The newspaper had suggested that the incident was of public interest, particularly against the background of previously-expressed concerns about safety in the area. It had not explained, however, how the publication of this photograph – at a time when the newspaper had not been able to seek appropriate consent – contributed to that public interest. In any case, no exceptional public interest appeared to exist. The complaint under Clause 6 was upheld.

12. The photograph had been taken while the child had been awaiting medical treatment following what had clearly been a traumatic and distressing incident. Although the photograph had been taken on a public street, in these circumstances – and with regard for the young age of the child involved – the Committee took the view that the injured child had had a reasonable expectation of privacy. The photographing of the child represented a failure to respect her private life. The complaint was upheld under Clause 3.
13. Although the newspaper had pixelated the face of the injured child and had contacted the ambulance services to try to ascertain the severity of the injury, the publication of the photograph at a time when the newspaper had not been able to verify the identity of the child concerned or establish whether her parents had been informed of the incident represented a failure to handle publication with appropriate sensitivity. The photograph had been distressing for the family, and risked notifying friends and relatives about the accident. The complaint was upheld under Clause 5.
14. While the complaint was upheld, the Committee welcomed the newspaper's attempts to address the complainant's concerns once they had been drawn to its attention.

## **Conclusions**

15. The complaint was upheld under Clause 3 (Privacy), Clause 5 (Intrusion into grief or shock) and Clause 6 (Children) of the Editors' Code of Practice.

## **Remedial action required**

16. Having upheld the complaint under Clause 3 (Privacy), Clause 5 (Intrusion into grief or shock) and Clause 6 (Children) of the Code, the Committee considered what remedial action should be required.
17. The Committee has the power to require the publication of a correction and/or adjudication, the nature, extent and placement of which is to be determined by IPSO. It may also inform the publication that further remedial action is required to ensure that the requirements of the Editors' Code are met.
18. The Committee required that in order to address the breaches of the Editors' Code, the newspaper should publish the Committee's ruling upholding the complaint. The article under complaint had been published only on the newspaper's website. The adjudication should, therefore, be published on the newspaper's website and linked to the homepage for a minimum of 24 hours. The adjudication should then be archived and its terms searchable on the website.
19. The terms of the adjudication, which the newspaper should publish without addition or alteration under the headline "IPSO complaint upheld", are as follows:

*Following an article headlined "Girl involved in incident outside Derbyshire secondary school", published on the website of the Derby Telegraph on 20 November 2014, a woman complained to the Independent Press Standards Organisation that the newspaper had breached Clause 3 (Privacy), Clause 5 (Intrusion into grief or shock), and Clause 6 (Children) of the Editors' Code of Practice.*

*The article reported that a teenager was believed to have been knocked down by a car outside of a school. It was accompanied by a photograph of the scene, which showed the girl lying on the pavement, with her face pixelated. Next to her was another girl in a school uniform and two other passers-by. The two girls shown in the picture were 11-year-old sisters; the complainant was their mother.*

*IPSO's Complaints Committee found that the Derby Telegraph had breached Clause 3 (Privacy), Clause 5 (Intrusion into grief or shock), and Clause 6 (Children) by publishing the article and required that the Telegraph publish its full decision on the matter.*

*The complainant said that the photograph depicted a distressing incident for both girls and had been taken at a time when everyone involved had been in shock, and the emergency services were yet to arrive. She said that the use of the photograph had added to the family's distress; the incident was a private matter, and a photograph relating to the welfare of her children should not have been published without her consent. She was also concerned that the newspaper had not pixelated the face of her uninjured daughter.*

*After being made aware of the complaint, the Derby Telegraph had immediately removed the image from its website. The newspaper had also offered to remove the article from its website, and to write a private letter of apology to the complainant.*

*Before publishing the report, the newspaper had contacted the school, police and ambulance service and had received confirmation from the ambulance service that it had been called to attend a teenager with a suspected leg injury. It had not been able to contact the family of the child involved as her name had not been released at the time. The injured girl's face had been pixelated prior to the publication of the article; the newspaper had not been aware that anyone else in the photograph was connected to the injured girl.*

*The Committee ruled that the immediate aftermath of an upsetting incident in which a young girl had been injured in full view of her sister was clearly an issue that related to the welfare of both girls. The uninjured sister was readily identifiable in the photograph, and the injured sister was likely to be identified because of her connection to her sister. Parental consent should have been sought for publication of the photograph; no exceptional public interest justified its publication without consent. The Committee upheld the complaint under Clause 6.*

*The photograph had been taken while the child had been awaiting medical treatment following what had clearly been a traumatic and distressing incident. Although the photograph had been taken on a public street, in these circumstances – and with regard for the young age of the child involved – the Committee took the view that the injured child had had a reasonable expectation of privacy. The photographing of the child represented a failure to respect her private life. The complaint was upheld under Clause 3.*

*Although the newspaper had pixelated the face of the injured child and had contacted the ambulance services to try to ascertain the severity of the injury, the publication of*

*the photograph at a time when the newspaper had not been able to verify the identity of the child concerned or establish whether her parents had been informed of the incident represented a failure to handle publication with appropriate sensitivity. The photograph had been distressing for the family, and risked notifying friends and relatives about the accident. The complaint was upheld under Clause 5.*

## **Appendix C**

### **Decision of the Complaints Committee 01595-14, James v Rutherglen Reformer**

#### **Summary of complaint**

1. Alexandra James complained to the Independent Press Standards Organisation that the Rutherglen Reformer had breached Clause 1 (Accuracy) of the Editors' Code of Practice in an article Headlined "Offensive leaflets circulated in Rutherglen target religious group", published in print on 29 October 2014 and online on 1 November 2014.
2. The article reported that local residents of Rutherglen were concerned about leaflets which had been circulated, claiming to reveal the "frightening truth about Jehovah's Witnesses". The leaflets had stated that "confessed paedophiles may be put in positions of power over others" and that Jehovah's Witnesses "have blamed women for raising rapists". Some local people had expressed concern that the leaflets were "offensive" and contained lies.
3. The complainant was the author of the leaflets. She said that it was inaccurate for the article to state that the leaflets "make several false and offensive claims about the religion", and to include the suggestion of an elder of a local congregation that they contained "lies". She said that all claims made about rape and paedophilia were based on literature published by Jehovah's Witnesses. As sources for the claims, she cited a 2012 letter from the world headquarters of Jehovah's Witnesses to all elders worldwide, which stated that "it cannot be said in every case that one who has sexually abused a child could never qualify for privileges of service in the congregation", and a 1974 edition of Awake magazine, published by Jehovah's Witnesses, which included the following statement about rape: "Womankind must share the blame. To begin with, until the age of five or six years, the most vital period, little boys have their personalities largely moulded by women, their mothers. And as they grow up, it is usually the mother that has the most opportunity to inculcate in her son respect for womankind, both by word and by example. But far too many mothers have come short in this regard. Especially and specifically blameworthy are those female relatives, such as an aunt or a mother, who have used boys as sexual playthings."
4. She also expressed concern about the publication of the police position that they "would not tolerate hate crime", stating that she would not wish for the distributors of the leaflets to be charged with a crime based on false information in a newspaper.
5. The complainant had originally complained to the newspaper and the online article had been removed. The complainant did not consider this remedy to be sufficient, and stated that a correction or apology should have been issued.

6. The publication did not accept a breach of the Code. While it accepted the complainant's position regarding the provenance of the claims quoted in the leaflets, it was clear that offence had been taken by some members of both the Jehovah's Witness religion and the local community. The article expressed the view of some local people that the leaflets contained falsehoods. These were clearly presented as allegations. Nonetheless, it accepted that the claim that the leaflets included "several false and offensive claims about the religion" should have been more clearly attributed to local people. The newspaper offered to publish the following clarification on page 2 of a future print edition of the Rutherglen Reformer, and also online:

*In our article of 29 October "Anger at leaflets", which reported some local views that leaflets making claims about certain beliefs of Jehovah's Witnesses about rape and paedophilia were offensive to them and "contained lies", we published one sentence stating that the leaflets contained false claims against the religion, without qualifying this as a claim by others. Although we take no side in the different views expressed, we have been asked to point out that the allegations made in the leaflet were based on the author's conclusions from source material published by Jehovah's Witness affiliated publications from 1964, 1974, 1984 and 2010.*

## **Relevant Code provisions**

### **7. Clause 1 (Accuracy)**

- (i)The Press must take care not to publish inaccurate, misleading or distorted information, including pictures.
- (ii)A significant inaccuracy, misleading statement or distortion once recognised must be corrected, promptly and with due prominence, and – where appropriate – an apology published.
- (iii)The Press, whilst free to be partisan, must distinguish clearly between comment, conjecture and fact.

## **Findings of the Committee**

8. The article was a report of concerns raised in the local community about the distribution of the leaflets, not an in-depth discussion of the theological beliefs of Jehovah's Witnesses. The newspaper was entitled to present these comments, and the response of local police. It was not obliged, in this context, to independently investigate the attitudes of Jehovah's Witnesses towards rape or paedophilia; the Committee did not establish a breach of the Code on these matters.
9. In taking this approach, however, the newspaper was obliged to distinguish the claims of the leaflet's critics clearly as their own opinions. In the third paragraph, the article stated that the leaflet included "false and offensive claims" about the religion. As the newspaper had accepted, it had not established that the leaflet contained false claims; this was merely the position of critics of the leaflet. This statement failed to distinguish

between comment, conjecture and fact, in a manner that would mislead readers, and it raised a breach of Clause 1 (iii).

## **Conclusions**

10. The complaint was upheld in part.

## **Remedial action required**

11. Having partially upheld the complaint, the Committee considered what remedial action should be required. The Committee has the power to require the publication of a correction and/or adjudication; the nature, extent and placement is to be determined by IPSO. It may inform the publication that further remedial action is required to ensure that the requirements of the Editors' Code are met.
12. The clarification offered by the newspaper identified the original inaccuracy and made clear the true position. The newspaper had removed the online article as soon as it had been made aware of the complainant's concerns, and had promptly offered to publish a correction which would appear in print and online. Given that the article had originally appeared on page 15, the publication of a clarification in the corrections column on page 2 was appropriate. While the online article had been taken down, the correction should also be published on the publication's web page. The publication of the correction, in these formats, would constitute sufficient remedy to the breach. No further action was required.

## **Appendix D**

### **Decision of the Complaints Committee 01457-14, Perkins v Kentish Gazette**

#### **Summary of complaint**

1. Cllr Alex Perkins complained to the Independent Press Standards Organisation that the Kentish Gazette (Canterbury and District) had breached Clause 1 (Accuracy), Clause 4 (Harassment), Clause 6 (Children) and Clause 12 (Discrimination) of the Editors' Code of Practice in an article headlined "Refugees spark pupil safety fears", published in print and online on 16 October 2014.
2. The article reported concerns in the Kent area that unaccompanied male asylum seekers were "lying" about their ages and "being placed in schools" with 11-year-old children. It stated that men in their 20s were being dishonest about their ages, attributing this assertion to "head teachers in Canterbury". Sub-headlines on the newspaper's front page had stated that "asylum seekers lie about age to get themselves educated", and that "men in their 20s [are] being placed in schools with 11-year-olds". The article had included direct quotations from head teachers. One stated that schools had been told to expect pupils "who were 15 or 16 only to find they were clearly 20 or 21", and that "sometimes there is doubt about where [the pupils] have come from, and even what age they are"; another commented that "while many of these are genuine cases... a minority are not". Two head teachers quoted also referred to "safeguarding concerns". The matter was reported in the wider context of an "immigration crisis" in the county.
3. The complainant said that the coverage was inaccurate as there was no proof that asylum seekers had been lying about their age, nor had any adults of 20 been placed in schools with pupils aged 11. He noted that none of the head teachers quoted in the article had confirmed that there were pupils enrolled at their schools who had lied about their ages, nor had they expressed concerns about safety. The complainant had spoken to representatives from the County Council who had said that there had been only two cases over a number of years in which unaccompanied asylum seekers were found to be older than originally thought. Neither was 20, and neither was placed in a school with 11 year olds. Furthermore, there were only 10 unaccompanied asylum-seeking children in Kent this academic year, with just 3 placed in Canterbury. The complainant also said that it was inaccurate to state that there was "an immigration crisis engulfing Kent" and objected to the use of a stock image of adult asylum seekers to illustrate the article; he said that this was misleading.
4. The complainant also said that the headline was discriminatory towards those seeking asylum; that the article had intruded into the time at school of the children mentioned; and that it amounted to the harassment and intimidation of orphaned children legitimately placed in Kent schools.

5. The newspaper defended its coverage as an accurate report on a matter of major public interest, which had potential implications for the well-being of pupils. It said that on-the-record comments by local head teachers, quoted in the article, supported the claims made. The article had also cited a representative from Kent County Council, who had made reference to “very rare cases where asylum-seeking children have been found to be older than the age they claimed”. The newspaper said that while every case was different, it was not inaccurate to state that some asylum seekers who had given a false age were “lying”.
6. The newspaper did not consider the use of the stock image to be misleading. Furthermore, it noted that it had chosen not to illustrate the story with photographs of children in the relevant schools, because to have done so would have raised a clear breach of the Editors’ Code. The newspaper also said that it was perfectly entitled to describe the situation with asylum seekers at Calais as a “crisis”, citing a comment by the mayor of Calais that people were prepared to risk death to cross the English Channel.
7. The newspaper also drew attention to the fact that, after publication of the story, it had printed a number of readers’ letters opposing the views expressed in its coverage.

### **Relevant Code provisions**

8. Clause 1 (Accuracy)
  - (i)The Press must take care not to publish inaccurate, misleading or distorted information, including pictures.
  - (ii)A significant inaccuracy, misleading statement or distortion once recognised must be corrected, promptly and with due prominence.
  - (iii)The Press, whilst free to be partisan, must distinguish clearly between comment, conjecture and fact.

#### Clause 4 (Harassment)

- (i)Journalists must not engage in intimidation, harassment, or persistent pursuit.

#### Clause 6 (Children)

- (i)Young people should be free to complete their time at school without unnecessary intrusion.

#### Clause 12 (Discrimination)

(i)The press must avoid prejudicial or pejorative reference to an individual's race, colour, religion, gender, sexual orientation or to any physical or mental illness or disability.

## **Findings of the Committee**

9. The Editors' Code recognises that "protecting public health and safety" forms part of the public interest which journalism may serve. The protection of children is a matter of particular importance, and a legitimate subject of investigation. The newspaper was entitled to examine the concerns which had been drawn to its attention, and to ask local head teachers for comment to establish whether there was a safety risk to children in the county.
10. The article had included extensive comment from head teachers and a council representative making reference to the difficulties of establishing the ages of unaccompanied asylum seekers, and to rare occurrences of adults applying for school places. However, these comments did not support the newspaper's statement, as fact, that "men in their 20s are lying about [their] age and going to schools"; nor did the newspaper subsequently provide any material to corroborate this prominent assertion. This represented a failure to take care not to publish inaccurate information in breach of Clause 1 (i). The claims in the front page sub-headlines were not substantiated, and in the context of a report which made reference to safety concerns, these were significantly misleading. This aspect of the complaint was upheld.
11. The reference to an "immigration crisis" in Kent was a statement of opinion on the part of the newspaper. While the complainant took the view that the other inaccuracies in the article undermined this opinion, the newspaper was entitled to present its position that there was a "crisis".
12. The Committee acknowledged the newspaper's position that it had used stock photographs to illustrate the article partly out of concern for the privacy of local children who might attend one of the schools concerned. While the complainant considered that the photograph used to illustrate the story was misleading, the newspaper had not stated that the men pictured were those who had allegedly been placed in schools. It was entitled to illustrate its story in this way. The photographs had not breached the terms of Clause 1.
13. The terms of Clause 4 generally relate to the conduct of journalists during the news-gathering process, and are intended to offer protection to identified individuals who are the subject of media attention. The Clause does not usually address the way in which newspapers choose to cover stories. The complainant had not suggested that any journalists had engaged in conduct which would engage the terms of this Clause and the Committee did not consider this aspect of the complaint further.

14. The complainant's concerns under Clause 6 and Clause 12 were general ones, and did not relate to any specific individuals. The complaint did not engage the terms of these Clauses, and the Committee did not consider these aspects further.

## **Conclusions**

15. The complaint was upheld in part.

## **Remedial action required**

16. Having partially upheld the complaint under Clause 1, the Committee considered what remedial action should be required.
17. The breach of the Code established by the Committee was sufficiently serious that the appropriate remedial action was the publication of an adverse adjudication, as opposed to a correction. The article had been published on page 1, and coverage continued on pages 8 and 9. The adjudication should therefore appear in print on page 9, with a page 1 reference directing readers to this page, which should include the headline of the adjudication. The adjudication should also appear on kentononline.co.uk and a link to it, containing the headline, should also appear on the website's homepage for a period of no less than 48 hours. The adjudication must then be archived, and remain searchable, on kentononline.co.uk in the usual way. If, following receipt of this decision, the publication intends to continue to publish the online article on kentononline.co.uk, a link to the adjudication must also be published at the start of that article.
18. The terms of the adjudication, which the newspaper should publish without addition or alteration under the headline "IPSO Complaint upheld – adult asylum seekers in schools", are as follows:

*Following an article published by the Kentish Gazette (Canterbury and District) and kentononline.co.uk on 16 October 2014 headlined "Refugees spark pupil safety fears", Cllr Alex Perkins complained to the Independent Press Standards Organisation that the Kentish Gazette had breached Clause 1 (Accuracy), Clause 4 (Harassment), Clause 6 (Children) and Clause 12 (Discrimination) of the Editors' Code of Practice.*

*IPSO upheld the complaint in part, and decided that there had been a breach of Clause 1 of the Editors' Code. IPSO required the Kentish Gazette to publish this decision, by its Complaints Committee, to remedy the breach.*

*The article reported concerns in the Kent area that unaccompanied male asylum seekers were "lying" about their ages and were "being placed in schools" with 11-year-old children. It stated that men in their 20s were being dishonest about their ages, attributing this assertion to "head teachers in Canterbury". Sub-headlines on the newspaper's front page had stated that "asylum seekers lie about age to get themselves educated", and that "men in their 20s [are] being placed in schools with 11-year-olds". The article had included direct quotations from head teachers. One stated that schools had been told to expect pupils "who were 15 or 16 only to find they*

were clearly 20 or 21", and that "sometimes there is doubt about where [the pupils] have come from, and even what age they are", and another stating "while many of these are genuine cases... a minority are not". Two head teachers quoted also referred to "safeguarding concerns".

The complainant said that the coverage was inaccurate as there was no proof that asylum seekers had been lying about their age, nor had any adults of 20 been placed in schools with pupils aged 11. He noted that none of the head teachers quoted in the article had confirmed that there were pupils enrolled at their schools who had lied about their ages, nor had they expressed concerns about safety. The complainant had spoken to a representative from the County Council who had said that there had been only two cases over a number of years in which unaccompanied asylum seekers were found to be older than originally thought. Neither was 20, and neither was placed in a school with 11 year olds. Furthermore, there were only 10 unaccompanied asylum-seeking children in Kent this academic year, with just 3 placed in Canterbury.

The Kentish Gazette considered that publication of the article was in the public interest, as the matter reported was a safeguarding issue, which had implications for the well-being of pupils. The newspaper defended the accuracy of its coverage. It said that on-the-record comments by local head teachers, quoted in the article, supported the claims made. The newspaper also cited a representative from Kent County Council, who had made reference to "very rare cases where asylum-seeking children have been found to be older than the age they claimed". While every case was different, it was not inaccurate to state that some asylum seekers who had given a false age were "lying".

The newspaper also drew attention to the fact that, after publication of the story, it had printed a number of readers' letters, opposing the views expressed in its coverage.

The Committee noted that the Code makes clear that "protecting public health and safety" forms part of the public interest which journalism may serve, and it acknowledged that the protection of children was a matter of particular importance, and a legitimate subject of investigation. The Committee considered that the newspaper was entitled to investigate concerns which had been drawn to its attention and to ask local head teachers for comment to establish whether there was a safety risk to children in the county.

However, the Committee found that the comments from head teachers and council representatives, making reference to the difficulties of establishing the ages of unaccompanied asylum seekers, and to rare occurrences of adults applying for school places, did not support the newspaper's contention that "men in 20s [were] lying about [their] age and going to schools", nor did the newspaper subsequently produce any material which might justify this prominent assertion. The publication of these claims therefore represented a failure to take care not to publish inaccurate information in breach of Clause 1 (i). This statement was not an accurate summary of the information contained in the article, and in the context of a report which made reference to safety concerns, it was significantly misleading. This aspect of the complaint was upheld. Publication of IPSO's full adjudication on the matter was required to remedy this breach of the Code.

## **Appendix E**

### **Decision of the Complaints Committee 01597-14, Lane-Smith v The Times**

#### **Summary of complaint**

1. Roger Lane-Smith complained to the Independent Press Standards Organisation that The Times had breached Clause 1 (Accuracy) of the Editors' Code of Practice in an article headlined "Law unto himself", published on 23 September 2014.
2. The newspaper had published a diary piece which reported that the complainant was releasing a book. It commented, "we hope there is a chapter on the time Dave Whelan, the JJB founder, told Mr Lane-Smith at a Board meeting what was said at an infamous price-fixing meeting...Mr Lane-Smith told the OFT [Office of Fair Trading] that he had 'overlooked' recording Mr Whelan's account."
3. The complainant was concerned that the use of quotation marks around the term "overlooked" inaccurately implied that the act of not recording the minute had been a deliberate attempt to assist or protect Mr Whelan.
4. He also said that Mr Whelan told the Board that he had left the relevant meeting the moment price-fixing had been suggested. Thus, the complainant had not been told what had been said "at [a] price-fixing meeting"; he had been told what had happened at a meeting before price-fixing had been discussed.
5. The newspaper said it had put the word "overlooked" in quotation marks as it had been a direct quotation from the complainant; in his witness statement to the OFT, he had said "I subsequently overlooked the preparation of such a report". There had been no implication from this that the complainant had been involved in a cover-up.
6. The newspaper said that the meeting mentioned in the article is now commonly referred to as a "price-fixing meeting". The meeting had been the subject of an OFT investigation and a Competition Appeal Tribunal (CAT) judgement. Both the OFT and the CAT referred to meeting as a "price-fixing meeting".
7. The newspaper did not accept any breach of the Code.

#### **Relevant Code Provisions**

8. Clause 1 (Accuracy)
  - (i) The press must take care not to publish inaccurate, misleading or distorted information, including pictures.

(ii) A significant inaccuracy, misleading statement or distortion once recognised must be corrected, promptly and with due prominence, and – where appropriate – an apology published.

### **Findings of the Committee**

9. As the newspaper had directly quoted the complainant's explanation to the OFT, the use of quotation marks around the word "overlooked" had not been inaccurate or significantly misleading. The Committee took the view that the article had not suggested that the complainant had deliberately not recorded a minute.
10. The OFT, in its decision which was cited in the Judgement of the 2004 Competition and Appeal Tribunal, had called the meeting of 8 June 2000, referred to in the article, a "price-fixing meeting". The Committee was, therefore, satisfied that it had not been misleading for the newspaper to have described the meeting as such, nor had it been inaccurate to say that the complainant had not taken a note of Mr Whelan's account of such a meeting, when Mr Whelan had – at least initially – been in attendance.
11. While the Committee noted that the brief article had not included the complainant's full account of his role in the proceedings, it had regard for the nature of the piece: it had been a short diary item, rather than an in-depth article about the event. There was no breach of Clause 1.

### **Conclusions**

12. The complaint was not upheld.

## **Appendix F**

### **Decision of the Complaints Committee 01754-14, Thomason v The Daily Telegraph**

#### **Summary of complaint**

1. Ms Laura Thomason complained that The Daily Telegraph had breached Clause 1 (Accuracy) of the Editors' Code of Practice in an article headlined "Alternative health: what is naturopathy?" published on 7 November 2014 in print and online.
2. The article was an interview with a naturopath, which discussed the alternative therapies which she offered.
3. The complainant said that the article was misleading, as it implied that the methods used by the naturopath were effective to diagnose, treat or cure health conditions. She considered that the article should have made clear that bioresonance and live blood analysis were not valid medical techniques, and that the therapist was not a qualified medical professional. The complainant said that the therapist's company had been listed as a non-compliant advertiser by the Advertising Standards Authority, due to its failure to remove from its website uncorroborated claims made about alternative therapies. She expressed concern that there was a risk of physical, financial or emotional harm to readers who believed the article's claims to be true.
4. The newspaper did not accept that the article was inaccurate or misleading. It had made clear that naturopathy was an "alternative therapy" and did not make any claims regarding the efficacy of techniques referred to. All statements were clearly attributed to the therapist. Nonetheless, it had amended the article slightly, adding several more references to the comments in the article being the "claims" of the therapist.

#### **Relevant Code provisions**

5. Clause 1 (Accuracy)
  - (i) The Press must take care not to publish inaccurate, misleading or distorted information, including pictures.
  - (ii) A significant inaccuracy, misleading statement or distortion once recognised must be corrected, promptly and with due prominence.
  - (iii) The Press, whilst free to be partisan, must distinguish clearly between comment, conjecture and fact.

#### **Findings of the Committee**

6. The Press is entitled to report individual comment and conjecture, as long as such claims are clearly distinguished from fact. The Committee emphasised the importance

of this distinction in articles which report matters which could have an impact on public health.

7. The Committee noted the complainant's concern regarding the efficacy of the techniques described in the article, and that another regulator had previously issued a decision stating that claims about live blood analysis were unproven. However, the piece was headlined as a report of "alternative health", signaling to readers that any techniques described were outside of conventional health practice. Further, the article was clearly presented as an interview with the practitioner in question. It was therefore implicit from the context that all claims were those of the naturopath. In the context of such an article, the newspaper was not obliged to include criticism of the therapy described.
8. The Committee noted with some concern the headings in the article, "what is it?", "what is it good for", and "how does it work". However, the article was part of a series in which these headings were used as standard. The Committee was therefore satisfied that these headings were a means of presentation, rather than claims of efficacy.
9. The Committee welcomed the newspaper's amendments to the article, which had the effect of distinguishing more clearly that the comments in the article were those of the therapist interviewed. Nonetheless, given the nature of the original article, the Committee was satisfied that the references about which the complainant was concerned were not significantly misleading, such that a correction would be required. While naturopathy may be a controversial subject, the newspaper was entitled to present the position of a practitioner of alternative therapy. There was no breach of Clause 1.

## **Conclusions**

10. The complaint was not upheld.

## **APPENDIX G**

| <b>Paper No.</b> | <b>File Number</b> | <b>Name v Publication</b>         |
|------------------|--------------------|-----------------------------------|
| 63               | 0223-14            | Ritchie v Daily Record            |
| 64               | 0264-14            | Coleman v Hendon & Finchley Times |
| 65               | 01482-14           | Clark v The Mail on Sunday        |
| 66               | 01395-14           | Davidson v News & Star            |
| 67               | 01869-14           | Capelin v Mail Online             |
| 69               | Various            | PCC Complaints – No Breach        |
| 72               | Various            | IPSO Complaints – Third Party     |
| 73               | 01651-14           | McPherson v Daily Record          |
| 74               | Various            | PCC Complaints – No Breach        |
| 84               | 0205.14            | Adris v Lancashire Telegraph      |
| 85               | 01473-14           | Meissner v Daily Mirror           |
| 87               | 01295-14           | Tindal v Daily Mail               |
| 91               | 01396-14           | Warsop v Nottingham Post          |
| 92               | 01314-14           | Ram v www.getwestlondon.co.uk     |
| 93               | 0409.14            | Romeo v The Enfield Advertiser    |